

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR18-2945 WJ

Date: 7/19/2023

Parties: USA v. Leveille, et al.

Courtroom Clerk/Law Clerk: R. Garcia/Emily Franke

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: James hearing (Doc. 606)

Place of Court: Albuquerque

Total time in Court: 4 hours and 9 minutes

Evidentiary Hearing: YES

Attorneys Present for Plaintiff(s):

Kimberly Brawley and Jackson Hall

Attorneys Present for Defendant(s):

Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas Clark for pro se defendant Siraj Wahhaj, Donald Kochersberger, Marshal Ray, Justine Fox-Young, Stand-By counsel Joseph Shattuc for pro se defendant Lucas Morton

Proceedings:

9:42 Court in session; counsel enter appearances; pro se defendants enter appearances; all defendants present.

The Court reviews the criminal Indictment in this matter; Mr. Hall confirms charges.

Mr. Hall outlines how the Government will proceed today; notes Government will be removing Exhibit 28 for today's proceedings; addresses Siraj Wahhaj as an unindicted co-conspirator.

Mr. Elsenheimer contests that Mr. Siraj Wahhaj is an unindicted co-conspirator.

Ms. Fox-Young requests written briefing following the production of the today's transcript.

Mr. Hall calls FBI Special Agent Travis Taylor as a witness; witness sworn.

Direct examination by Mr. Hall; witness referred Exhibit 24 (police report), 21 (NYPD Report), 22

(Interview of Morton family members), 17 (Alabama State Police Accident Report), 23 (Clayton County

Investigative Summary), 27c (Statements at Search Warrant), 4 (Jany's Journal), 10 (Facebook pages), 6

(Jeny's Letter to Muhammed Wahhaj), 19a (Subhanah Facebook pages), 27a (Statements at Search Warrant).

11:31 Court recesses for lunch until 1:00 p.m.

1:07 Court back in session.

Mr. Hall continues direct exam of witness SA Taylor; witness referred to Exhibits 25a (Screen Shots of Yusuf Electronic Messages); 35 (Table of Statements); Mr. Hall reviews statements as contained in Exhibit 35; witness referred to Exhibit 24 (Clayton County Report); Mr. Hall returns to reviewing statements in Exhibit 35; Mr. Hall notes significance of Blue highlighted statements vs. what is in white.

1:37 Cross examination by Mr. Ray.

Witness referred to Exhibit 35.

2:06 Cross examination by Mr. Elsenheimer.

Witness referred to Exhibit 6.

2:18 Cross examination by Ms. Fox-Young.

Witness referred to Exhibit 35.

2:53 Court takes a short break.

3:14 Court back in session.

Cross examination by Defendant Siraj Wahhaj.

3:24 Defendant Morton has no questions for the witness.

Court questions the witness.

3:27 Redirect by Mr. Hall.

Witness referred to Exhibit 35.

3:36 Witness excused.

Mr. Hall advises the Government rests for today.

Mr. Ray advises nothing more from defendants.

Mr. Ray advises the defense requests a transcript and written closing argument.

Mr. Hall prefers to present oral final argument today.

The Court advises the Government may do oral closing argument and Defendants can do written closing argument, then the Government can file any rebuttal argument.

The Court will take a short break while it reviews its notes and counsel can discuss how they wish to conduct closing argument.

3:38 Court in recess.

3:45 Court back in session.

The Court understands counsel wish to submit written closing argument; notes the transcript may be ready by Friday; Court will give the parties 2 weeks from disclosure of the transcript for written closing arguments to be submitted to the Court.

Mr. Hall notes Exhibits 19a and 35 were submitted in paper; Court directs Mr. Hall to file Exhibits 19a and 35 for the Court's reference.

Ms. Fox-Young advises the Court that the parties will be submitting a joint summary for the jury questionnaire.

3:48 Court in recess.

WITNESS/EXHIBIT LIST

		CR18-2945 WJ, USA v. Leveille, et al.
Plaintiff's Attorney: Kimberly Brawley and Jackson Hall	Defendant's Attorney: Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas Clark for pro se defendant Siraj Wahhaj, Donald Kochersberger, Marshal Ray, Justine Fox-Young, Stand-By counsel Joseph Shattuc for pro se defendant Lucas Morton	United States District Court District of New Mexico
		Trial/Hearing Date(s): 7/19/23
Presiding Judge: William P. Johnson	Court Reporter: M. Loughran	Courtroom Deputy: R. Garcia

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